

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**No. 10-cr-2734 JCH/SMV
No. 17-cv-0286 JCH**

CASSLYN MAE WELCH,

Defendant.

ORDER TO CURE DEFICIENCY

THIS MATTER is before the Court on Defendant Casslyn Mae Welch's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. [CR Doc. 1749]. Defendant's § 2255 motion does not claim "the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack." 28 U.S.C. § 2255(a). Furthermore, Defendant's § 2255 motion does not "specify all the grounds for relief available" to Defendant or "state the facts supporting each ground," as required by Rule 2(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts. Therefore, Defendant's § 2255 motion is deficient.

The Court will afford Defendant an opportunity "to submit a corrected motion that conforms to Rule 2(b)." *See* Rule 2(b), advisory committee's notes to 2004 amendment. Defendant must include the case number (No. 10-cr-2734 JCH/SMV and No. 17-cv-0286 JCH) of this proceeding on all papers that she files in this proceeding. Failure to cure the designated

deficiencies within 30 days of the entry of this Order may result in dismissal of Defendant's § 2255 motion without further notice.

IT IS THEREFORE ORDERED that Defendant cure the deficiencies designated above within 30 days from entry of this order.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to mail to Defendant, together with a copy of this order, a form 28 U.S.C. § 2255 motion, with instructions.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge